

HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DONALD M. SKAGGS and
CHARLOTTE M. SKAGGS, husband
and wife,

Plaintiffs,

v.

BORGWARNER MORSE TECH INC.,
et al.,

Defendant.

Case No. 2:14-cv-01506-JLR

**OWENS-ILLINOIS, INC.'S NOTICE OF
SUPPLEMENTAL AUTHORITY
FOR ITS OPPOSITION TO PLAINTIFFS'
MOTION TO REMAND (DKT. # 42)**

Owens-Illinois, Inc., pursuant to LCR 7(n), hereby respectfully submits this Notice of Supplemental Authority for its Opposition to Plaintiffs' Motion to Remand (Dkt. #42), its Supplemental Brief in Opposition to Plaintiffs' Motion to Remand (Dkt. #55), and its Response to Plaintiffs' Supplemental Memorandum in Support of Remand (Dkt. #59), notifying this Court of *Cuomo v. Crane Co.*, --- F.3d ----, No. 13-cv-4510, 2014 WL 5859099 (2d Cir. Nov. 13, 2014) (reversing remand order in asbestos litigation matter removed pursuant to 28 U.S.C. § 1442(a)(1); holding that merits of defendant's asserted government contractor defense should be tried in federal court) (attached as **Ex. A**). Owens-Illinois, Inc. respectfully requests that this Court consider this supplemental authority in ruling on the issues raised by the parties' briefing on Plaintiffs' Motion to Remand (Dkt. #7).

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2 DATED: November 24, 2014

SCHIFF HARDIN LLP

3 By: /s/ Stephen M. Copenhaver

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6 Attorneys for Defendant
7 OWENS-ILLINOIS, INC.
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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury of the laws of the State of Washington that I served the attached OWENS-ILLINOIS, INC.'S NOTICE OF SUPPLEMENTAL AUTHORITY FOR ITS OPPOSITION TO PLAINTIFFS' MOTION TO REMAND (DKT. #42) on all counsel of record via the Court's ECF system.

Dated: November 24, 2014

SCHIFF HARDIN LLP

By: /s/ Stephen M. Copenhaver

Stephen M. Copenhaver
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OWENS-ILLINOIS, INC.

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